

SL(6)077 - The Welsh Language Standards (No.1) Regulations 2015 (Amendment) Regulations 2021

Background and Purpose

[The Welsh Language Standards \(No.1\) Regulations 2015 \(Amendment\) Regulations 2021](#)

("the Regulations") are made under the powers in sections 26, 27, 39 and 150(5) of the Welsh Language (Wales) Measure 2011 ("the Measure").

Section 26 of the Measure provides Welsh Ministers with the powers to make regulations specifying the standards in relation to the Welsh language, including service delivery standards, policy making standards, operational standards, promotional standards and record keeping standards.

Section 27 of the Measure provides powers for the specification of standards in relation to the keeping of records on complaints concerning the Welsh language.

Section 39 of the Measure provides that standards specified by the Welsh Minister under Section 26 of the Measure may be specifically applicable to certain persons if the Welsh Ministers authorise the commissioner to give that person a compliance notice to comply with the standard.

Section 150 of the Measure requires that regulations made under section 26 of the Measure will be subject to the affirmative resolution procedure in the Senedd.

The Welsh Language Standards (No. 1) Regulations 2015 ("the 2015 Regulations") specified standards in relation to the conduct of the Welsh Ministers, county council and county borough councils and National Park authorities. The 2015 Regulations also authorise (subject to certain exceptions) the Welsh Language Commissioner to give a compliance notice, in relation to standards specified by the No.1 Regulations, to those bodies.

The Regulations amend the 2015 Regulations to bring Corporate Joint Committees, established under Part 5 of the Local Government and Elections (Wales) Act 2021, within the scope of those specified standards and enable the Commissioner to make a compliance notice in respect of that body.

The amendments within the Regulations:

- a. Insert Corporate Joint Committees into regulation 1(4) of the 2015 Regulations under the definition of "*body*."
- b. Insert the definition of a "Corporate Joint Committee" into the interpretation provision in regulation 1(4) of the 2015 Regulations.
- c. Inserts Corporate Joint Committees into regulation 3(1) of the 2015 Regulations.



Subject to approval by the Senedd, the Regulations will be made by the Minister for Finance and Local Government and come into force on 3 December 2021.

Procedure

Draft Affirmative.

The Welsh Ministers have laid a draft of the Regulations before the Senedd. The Welsh Ministers cannot make the Regulations unless the Senedd approves the draft Regulations.

Technical Scrutiny

No points are identified for reporting under Standing Order 21.2 in respect of this instrument.

Merits Scrutiny

The following point is identified for reporting under Standing Order 21.3 in respect of this instrument.

1. Standing Order 21.3(ii) – that it is of political or legal importance or gives rise to issues of public policy likely to be of interest to the Senedd

We note the following in the Explanatory Note dealing with the Regulatory Impact Assessment:

“These Regulations are connected with Regulations which establish certain corporate joint committees under Part 5 of the Local Government and Elections (Wales) Act 2021. The Welsh Ministers’ Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to the Regulations which establish corporate joint committees and connected regulations. As a result a regulatory impact assessment has been prepared.”

However, we note also the following from section 6 of the Explanatory Memorandum:

“A separate regulatory impact assessment has not been prepared in respect of these regulations. However, the regulatory impact assessment to accompany The Mid Wales Corporate Joint Committee Regulations 2021, The North Wales Corporate Joint Committee Regulations 2021, The South East Wales Corporate Joint Committee Regulations 2021 and The South West Wales Corporate Joint Committee Regulations 2021 assessed the potential costs and benefits associated with establishing the Corporate Joint Committees through regulations. In assessing the potential costs and benefits the RIA considers the overarching policy intent that Corporate Joint Committees should be treated as part of the ‘local government family’ including the application of wider public body duties such as those in the Welsh Language (Wales) Measure 2011 and the Welsh Language Standards (No.1) Regulations 2015 (Amendment) Regulations 2021.



It was assumed for the purpose of the RIA that exercising such duties will be something which was undertaken by the corporate body function of a Corporate Joint Committees and the costs for exercising the public body duties within these Regulations are included in the range of costs provided for the overall corporate body function in the RIA."

Whilst no direct RIA has been conducted for these Regulations, we note the consideration of their potential regulatory impact as set out above. However, the particular assertion of the Explanatory Note stating, "As a result a regulatory impact assessment has been prepared", could be confusing to the citizen if consulting the Regulations in isolation of the Explanatory Memorandum.

Welsh Government response

A Welsh Government response is not required.

Committee Consideration

The Committee considered the instrument at its meeting on 22 November 2021 and reports to the Senedd in line with the reporting point above.

